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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Christiaan M. H. Mets

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EXAMINER

BHAT, ADITYA S

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,297

Applicant(s)

METS ET AL.

Examiner

Aditya S Bhat

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Madore et al. (USPN 5,909,672).

With regards to claim 1, Madore et al. (USPN 5,909,672) teaches a method for processing the data of a process, said method comprising:

(a) collecting activity data from a first activity having a first interval and a second activity that has a second interval, said first and second intervals occurring during said process (Col.1, lines 16-23)

(b) processing said activity data according to a data structure that defines said first and second intervals such that said first interval frames said second interval at least in part; (Col.1, lines 60-63) and

(c) storing said processed activity data. (Col. 1,lines 60-63)

With regards to claim 2, Madore et al. (USPN 5,909,672) teaches, an identity and a plurality of activity attributes for each of said first and second activities. (Col. 10, lines 39-42)

With regards to claim 3, Madore et al. (USPN 5,909,672) teaches attributes are selected from the group consisting of: start time, end time and item used in said process. (Col.1, lines 45-46)

With regards to claim 4, Madore et al. (USPN 5,909,672) teaches, each of said activity attribute has an attribute value selected from the group consisting of: date and/or time and device of said equipment used in said process. (Col. 15, lines1-4)

With regards to claim 5, Madore et al. (USPN 5,909,672) teaches, activity attribute values of said second activity matches at least one of said activity attribute values of said first activity. (Col. 15, lines1-7)

With regards to claim 6, Madore et al. (USPN 5,909,672) teaches, an apparatus for processing the data of a process, said apparatus comprising:

means for collecting activity data from a first activity having a first interval and a second activity that has a second interval, said first and second intervals occurring during said process; (Col.1, lines 16-23)

means for processing said activity data according to a data structure that defines said first and second intervals such that said first interval frames said second interval at least in part; (28;See figure 1) and

means for storing said processed event data.(64;figure 1)

With regards to claim 7 Madore et al. (USPN 5,909,672) teaches, an identity and a plurality of activity attributes for each of said first and second activities. (Col. 10, lines 39-42)

With regards to claim 8 Madore et al. (USPN 5,909,672) teaches, activity attributes are selected from the group consisting of: start time, end time and item used in said process. (Col.1, lines 45-46)

With regards to claim 9, Madore et al. (USPN 5,909,672) teaches, item is an equipment, and wherein said activity attributes has an attribute value selected from the group consisting of: date and/or time and device of said equipment used in said process. (Col. 15, lines1-4)

With regards to claim 10, Madore et al. (USPN 5,909,672) teaches, attribute values of said second activity matches at least one of said attribute values of said first activity. (Col. 15, lines1-7)

With regards to claim 11, Madore et al. (USPN 5,909,672) teaches, a method for retrieving activity data of a process that is stored in a memory, said method comprising:

(a) identifying a first activity that has a first interval, which occurs during said process, (Col.10, lines 39-42)

(b) identifying a second activity that has a second interval, which occurs during said process and is framed at least in part by said first interval; and (Col.10, lines 39-42)

(c) processing said first and second activities to access said memory to retrieve said activity data. (Col.1, lines 60-63)

With regards to claim 12, Madore et al. (USPN 5,909,672) teaches, (a) and (b) utilize a data structure that comprises an identity and a plurality of activity attributes for each of said first and second activities. (Col.10, lines 39-42)

With regards to claim 13 Madore et al. (USPN 5,909,672) teaches, activity attributes are selected from the group consisting of: start time, end time and item used in said process. (Col.1, lines 45-46)

With regards to claim 14 Madore et al. (USPN 5,909,672) teaches, activity attributes have an attribute value selected from the group consisting of: date and/or time and device of said equipment used in said process. (Col.15, lines 1-4)

With regards to claim 15 Madore et al. (USPN 5,909,672) teaches, at least one of said attribute values of said second activity matches at least one of said attribute values of said first activity. (Col.15, lines 1-7)

With regards to claim 16 Madore et al. (USPN 5,909,672) teaches, step (b) identifies said second activity with a reference selected from the group consisting of: time based reference with respect to said first interval, direct reference to said first activity and indirect reference to said first activity. (Col.15, lines 1-4)

With regards to claim 17 Madore et al. (USPN 5,909,672) teaches, all sub-activities are retrieved that are framed at least in part by said first interval.

With regards to claim 18 Madore et al. (USPN 5,909,672) teaches, direct reference directly refers to said first activity. (Col.15, lines 1-7)

With regards to claim 19 Madore et al. (USPN 5,909,672) teaches, indirect reference includes a reference to an item used by said process during said first activity. (Col.15, lines 1-7)

With regards to claim 20 Madore et al. (USPN 5,909,672) teaches, an apparatus for retrieving activity data of a process that is stored in a memory, said apparatus comprising:

first means for identifying a first activity that has a first interval, which occurs during said processes, (Col.10, lines 39-42)

second means for identifying a second activity that has a second interval, which occurs during said process and is framed at least in part by said interval; and (Col.10, lines 39-42)

means for processing said first and second activities to access said memory to retrieve said activity data. (figure 1)

With regards to claim 21 Madore et al. (USPN 5,909,672) teaches, first, second and third means utilize a data structure that comprises an identity and a plurality of activity attributes for each of said first and second activities.

With regards to claim 22 Madore et al. (USPN 5,909,672) teaches, activity attributes are selected from the group consisting of: start time, end time and item used in said process. (Col.1, lines 45-46)

With regards to claim 23 Madore et al. (USPN 5,909,672) teaches, activity attributes have an attribute value selected from the group consisting of: date and/or time and device of said equipment used in said process. (Col. 15, lines 1-4)

With regards to claim 24 Madore et al. (USPN 5,909,672) teaches, attribute values of said second activity matches at least one of said attribute values of said first activity. (Col.15, lines 1-7)

With regards to claim 25 Madore et al. (USPN 5,909,672) teaches, second means identifies said second activity with a reference selected from the group consisting of: time based reference with respect to said first interval, direct reference to said first activity and indirect reference to said first activity. (Col. 10, lines 39-42)

With regards to claim 26 Madore et al. (USPN 5,909,672) teaches, time based reference is with respect to said first interval, and wherein all sub-activities are retrieved that are framed at least in part by said first interval.(Col.15, lines 1-4)

With regards to claim 27 Madore et al. (USPN 5,909,672) teaches, direct reference directly refers to said first activity. (Col.15, lines 1-4)

With regards to claim 28 Madore et al. (USPN 5,909,672) teaches, indirect reference includes a reference to an item used by said process during said first activity. (Col.15, lines 1-7)

With regards to claim 29 Madore et al. (USPN 5,909,672) teaches, memory media for controlling a computer to retrieve activity data of a process that is stored in a memory, said memory media comprising:

first means for controlling said computer to perform a first operation to identify a first activity that has a first interval, which occurs during said process, (28,34 figure 1)

second means for controlling said computer to perform a second operation to identify a second activity that has a second interval, which occurs during said process and is framed by said first interval; and (28,34 figure 1)

third means for controlling said computer to perform a third operation to process said first and second activities to access said memory to retrieve said activity data.

(28,34 figure 1)

With regards to claim 30 Madore et al. (USPN 5,909,672) teaches, memory media for controlling a computer to process the data of a process, said method comprising:

first means for controlling said computer to perform a first operation to collect activity data from a first activity that has a first interval and a second activity that has a second interval, said first and second intervals occurring during said process; (28,34 figure 1)

second means for controlling said computer to perform a second operation to process said activity data according to a data structure that defines said first and second intervals such that said first interval frames said second interval at least in part; and (28,34 figure 1)

third means for controlling said computer to perform a third operation to store said processed activity data. (28,34 figure 1)

With regards to claim 31 Madore et al. (USPN 5,909,672) teaches, a method for processing activity data of a process, said method comprising'.

(a) processing a first activity that has a first interval and a second activity that has a second interval, wherein said second interval frames said first interval at least in part; and (28; figure 1)

(b) processing said first and second activities to access a memory to store and/or retrieve said activity data. (28,64 figure 1)

With regards to claim 32 Madore et al. (USPN 5,909,672) teaches, an apparatus for processing activity data of a process, said apparatus comprising:

first processing means for processing a first activity that has a first interval and a second activity that has a second interval, wherein said second interval frames said first interval at least in pad; and (28;figure 1)

second processing means for processing said first and second activities to access a memory to store and/or retrieve said activity data. (28;figure 1)

With regards to claim 33 Madore et al. (USPN 5,909,672) teaches a memory media for controlling a computer to process activity data of a process, said memory media comprising:

first means for controlling said computer to perform a first operation to process a first activity that has a first interval and a second activity that has a second interval, wherein said second interval frames said first interval at least in pad; and (34 figure 1)

second means for controlling said computer to perform a second operation to process said first and second activities to access said memory to store and/or retrieve said activity data. (34 figure 1)

Response to Arguments

Applicant's arguments filed 02 April 2004 have been fully considered but they are not persuasive.

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims; this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

In this instance applicant argues that the Madore reference does not teach a data structure used to facilitate the processing of the entered data, that the Madore reference does not describe either element 28 or 34 as processing data according to a data structure, and that the Madore reference does not disclose or teach retrieval of activity data that is stored in a memory by identifying first and second intervals.

With regards to applicants arguments that Madore does not teach a data structure used to facilitate the processing of the entered data. A data structure is merely an organization of information, usually in memory, for better algorithm efficiency. As the claim limitation is currently recited it can be interpreted as any data that defines said first

and second intervals organized in any storage device. As it is defined by the applicant in the claim the data structure that defines said first and second intervals such that first interval frames said second interval at least in part. Referring to Col.2, lines13-16 Madore teaches the step of updating user information, which was stored in the PDCD. The first time the user information was entered could be interpreted as the first interval and the updating could be interpreted as the second. Also referring to (Col.4 lines 15-49) Madore teaches a processing unit executes instructions, which control the operation of the microcontroller. The time required to do this is executed in machine cycles, with *most* instructions requiring one or two cycles. Also the Madore reference teaches retrieval of activity data stored in memory and Madore describes element 28 as processing data according to a data structure (Col.4, lines 15-21).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Skinner et al. (USPN 6,622,116) teaches a time and activity tracker, Fox (USPN 5,890,134) teaches a scheduling optimizer, Edgar et al. (USPN 5,848,395) appointment booking and scheduling system, Conway (USPN 5,732,01) activity based cost tracking systems, Ford et al. (USPN 6,480,830) active calendar system, Starr (USPN 6,606,606) systems and methods for performing integrated financial transaction, Rhodes et al. (USPN 6,073,110) activity based equipment scheduling method and system, Heagle et al. (USPN 5,939,974) teaches a system for monitoring food service requirements for compliance at a food service establishment,

Fu et al. (USPN 6,647,370) teaches a system and methods for scheduling and tracking events across multiple time zones, McCasland (USPN 5,856,931) teaches a method and system for identifying organizing, scheduling executing, analyzing and documenting detailed inspection activities for specific items in either a time based or on demand fashion, and Bowen et al (USPN 5,648,900) teaches a method and apparatus for controlling and monitoring group travel related services,

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya Bhat
June 15, 2004



John Barlow
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